

**CHANNEL ISLANDS NATIONAL MARINE SANCTUARY
SANCTUARY ADVISORY COUNCIL**

FINAL MEETING NOTES

September 19, 2003

11:00 am – 4:45 pm

Casa Las Palmas

323 E. Cabrillo Blvd. • Santa Barbara, CA

NOTE: Audio tape recordings of the SAC meeting are available upon request; contact the SAC Coordinator at 805-884-1464.

Attending:

GOVERNMENT REPRESENTATIVES:

NATIONAL PARK SERVICE

Member Russell Galipeau

US COAST GUARD

Alternate John Luzader

MINERALS MANAGEMENT SERVICE

Member Drew Mayerson

US DEPARTMENT OF DEFENSE

Alternate Walter Schobel

CALIFORNIA RESOURCES AGENCY

Alternate Melissa Miller-Henson

CALIFORNIA DEPARTMENT OF FISH AND GAME

Member Marija Vojkovich

Alternate John Ugoretz

CALIFORNIA COASTAL COMMISSION

Member Rebecca Roth

COUNTY OF SANTA BARBARA

Alternate Jackie Campbell

COUNTY OF VENTURA

Alternate Jack Peveler

COMMUNITY REPRESENTATIVES:

RECREATION

Alternate Eric Kett

CONSERVATION

Member Linda Krop

Alternate Greg Helms

FISHING

Member Harry Liqournik

EDUCATION

Member Craig Taylor

Alternate Barbara LaCorte

RESEARCH

Member Dr. Robert Warner

PUBLIC AT-LARGE

Member Robert Duncan

PUBLIC AT-LARGE

Member Dr. Matthew Cahn [SAC Chair]

Alternate Roberta Cordero

NON-VOTING MEMBERS:

Channel Islands National Marine Sanctuary

Chris Mobley, Manager

Absent:GOVERNMENT REPRESENTATIVES:**NATIONAL MARINE FISHERIES SERVICE**

Member Mark Helvey
 Alternate Christina Fahy

NATIONAL PARK SERVICE

Alternate Gary Davis

US COAST GUARD

Member J. Wade Russell

MINERALS MANAGEMENT SERVICE

Alternate Fred Piltz, Ph.D.

US DEPARTMENT OF DEFENSE

Member Alex Stone

CALIFORNIA RESOURCES AGENCY

Member Brian Baird

CALIFORNIA COASTAL COMMISSION

Alternate Gary Timm

COUNTY OF SANTA BARBARA

Member Dianne Meester

COUNTY OF VENTURA

Member Lyn Krieger

COMMUNITY REPRESENTATIVES:**TOURISM**

Member Jeanette Webber [SAC Secretary]
 Alternate Monica Baker

RECREATION

Member Jim Brye

BUSINESS

Member Michael Hanrahan
 Alternate Darren Caesar

FISHING

Alternate1 Eric Hooper
 Alternate2 Merit McCrea

RESEARCH

Alternate Dr. Dan Brumbaugh

PUBLIC AT-LARGE

Member Jon Clark [SAC Vice Chair]
 (Alternate seat vacant)

PUBLIC AT-LARGE

Alternate Avie Guerra

NON-VOTING MEMBERS:**Monterey Bay National Marine Sanctuary**

Member Bill Douros, Sanctuary Superintendent
 Alternate Sean Morton, Management Plan
 Coordinator

Gulf of the Farallones National Marine Sanctuary

Maria Brown, Acting Manager

Attendance

At roll call 14 of 20 voting seats were represented, with 16 of 20 present in the afternoon. Voting seats absent for the day were Tourism, Business, Education, and National Marine Fisheries Service. A total of 21 SAC representatives were in attendance for the day (10 members, 10 alternates, 1 non-voting). Public attendance peaked at about 12 individuals.

Jackie Campbell presided as Interim Chair for the first twenty minutes of the meeting at which point Chair Matt Cahn arrived from a prior engagement that required his presence at California State University, Northridge where he is a professor.

Administrative Business and Announcements***Meeting Notes***

Approval of SAC meeting minutes from July 18, 2003. The SAC had no comments on the meeting minutes and voice-voted unanimously to approve them.

Introduction of New SAC Representatives

Barbara LaCorte is the new education seat alternate. She introduced herself and explained her background. Barbara moved to Santa Barbara from Cooperstown, New York. She is the Vieja Valley School Principal. She is interested in the marine environment, taught in Massachusetts and volunteered at the Cape Cod National Seashore. Her undergraduate degree is in biology and her graduate education is in marine

education. She worked with Greenpeace in Boston in the past and now works as a Channel Islands Naturalist Corps member. She wants to learn all about her ecosystem and is really interested in becoming more involved in the Sanctuary.

Russell Galipeau is the new National Park Service SAC member and the Superintendent of the Channel Islands National Park. Russell explained that he has been with Channel Islands National Park for three or four months. He came to the Channel Islands from Yosemite National Park, and has been with the National Park Service for twenty-two years. He received his training and schooling in Florida on marine ecosystems and sea turtles. Russell also stated that he has enjoyed the partnership with the Sanctuary.

Mike Murray introduced the new US Coast Guard alternate to the SAC, John Luzader, upon his arrival to the meeting. John stated that he had been with the Coast Guard for thirteen years, and has been stationed all over the country. In his last assignment he worked in partnership with the EPA on oil spill response. Prior to that he was in Los Angeles doing work more relevant to sanctuary concerns, and then he was on ice patrol in the North Atlantic. John is the Port Operations Chief for the Coast Guard's Marine Safety Detachment in Santa Barbara.

Manager's Report

Chris Mobley explained that Sarah MacWilliams revised the format of the Manager's Report, that it is more like a newsletter. Chris stated that the Alolko is expensive and the Sanctuary may only produce two instead of three or four per year. The Manager's Report is more economical and can be posted on the web. Chris offered kudos to Sanctuary staff and Sarah for their work on the report.

Chris highlighted several items from this edition of the report:

- Black coral and gorgonians that may be new species were discovered during deep submersible dives off the Channel Islands.
- The Sanctuary participated in an effort to recover a \$300,000 multi-beam sonar head that was recently lost. The team was able to find and retrieve the sonar head that sank in 270 feet of water. This effort showed the capability of the *R/V Shearwater* in rough seas, offshore, and operating with a remotely operated vehicle or ROV.
- The *F/V Reliance* sank off Santa Rosa Island and the Sanctuary is working with the responsible party. A small amount of diesel fuel leaked. Chris explained that the vessel is in sandy bottom and fine where it is now, but in a big storm it could move and there is much kelp nearby. The Sanctuary is working on the matter with NOAA General Counsel and NOAA Enforcement. Chris also noted that more recently a small sailboat grounded off Santa Cruz Island [note: this event occurred outside of the reporting period for the current Manager's Report].
- The new boating and safety brochure was included in the meeting packet. The Sanctuary worked with the Ventura Harbor Department and Power Squadron on this product. Chris mentioned that it was also discussed by the SET. It provides general information about facilities, recreational fishing opportunities, and a map of the marine protected area network. It is being mailed to all registered boaters in Ventura County and will be sent to registered boaters in Santa Barbara County too.
- Coastal Cleanup Day is this Saturday at Chase Palm Park Beach from 9 am to 12 pm. Chris encouraged SAC members to go and encouraged participants to wear clothing from the Sanctuary or Park if possible.

Council Member Announcements

Robert Duncan announced that the Santa Barbara Maritime Museum Board is looking for new candidates and stated that he would be grateful for SAC members' thoughts on potential candidates.

Rebecca Roth indicated that the California Coastal Commission web site is linked to other sites with information on Coastal Cleanup Day in this area and to all Coordinators. Matt Cahn added that Emma Woods State Beach in Ventura is a site as well.

Harry Liquornik announced that fishing representatives had a meeting yesterday with California Department of Fish and Game staff and enforcement to go over enforcement issues within some of the marine reserves. Harry stated that one of the primary agenda items was receiving catch in marine reserves, primarily Becher's Bay which has been a traditional area where they receive off catch, leave it, take off and go fishing and then come back and get it. Under the current regulations that's not allowed: you can anchor up and have the catch over-board attached to the boat but not leave it. So hopefully they will open up the regulations to get that resolved. Harry concluded that it was a productive meeting and he was personally pretty happy with it. However, Harry added that there were other issues that were not fully flushed out, for example a lot of discretionary issues: what constitutes a warning, what constitutes intentionally fishing in a reserve, and what's an honest mistake? That will need to be flushed out and with lobster season coming up this is going to be our test year for how that works.

Harry also recalled that back in May he had stressed his concerns about the partnership between the sanctuary and fishing community. Harry acknowledged that there had been a good meeting where concerns about this had been expressed, but he is still patiently waiting. He noted that at a meeting in March with the Fish and Game Marine Subcommittee, the National Marine Sanctuary Program Deputy Director Michael Weiss had assured that there would be follow up on socioeconomics and all the implementation recommendations that were made, but Harry indicated that he has not seen significant progress with anything tangible yet. He said that the fishing community is waiting. He feels that the Sanctuary Program wants to change the designation document to do regulatory changes and fisheries management, but he doesn't think it is the appropriate agency and would prefer to see Fisheries Management Councils take the authority.

Bob Warner commented that this is an interesting time between the Pew Commission and the Ocean Commission, the report from which will be released in another month. He indicated that at that point he would like to go over it.

Jackie Campbell announced that Saturday at 8:30 am there is a community planning session for the Goleta Beach Master Plan. Jackie also mentioned, as an informal announcement, that last month on the Condor Express she witnessed a pod of twenty-five blue whales off the west end of Santa Cruz Island.

Matt Cahn stated that the Little Hoover Commission, a State Commission which does oversight and makes recommendations to the legislature and the Governor on ways to improve this or that, is looking at problems that are facing the State of California. Matt suggested that they look at the marine reserves process in terms of looking at alternative ways of thinking about the future. Matt also suggested some staff and stakeholders as contacts so the Program Director of the Commission may be contacting those individuals for an assessment of their experiences, and the degree to which that type of consensus-based process might lend itself as a model for other types of processes looking at other issues.

Craig Taylor indicated that he is very pleased to see the boater brochure, adding that it is a real step up from products already available. He also stated that we should make sure it is easily available to boaters.

Jack Peveler stated that back in April the County of Ventura took over the operation of the oldest sportfishing landing in the harbor, known as Captain Jack's Landing/Cisco's Sportfishing, which had run into some difficulty so the County stepped in to keep it operating. Jack added that the County has learned that many people are not booking sportfishing trips since they believe the islands are closed to fishing. They are doing what they can to educate people about this issue. September 1st the County took over the operation of Channel Islands Marina and Jack noted that boating is still real big, that people are buying larger and larger boats everyday, so they are trying to get the word out that the Sanctuary is there.

Marija Vojkovich announced that because of the state budget over the next few months the Marine Division of the California Department of Fish and Game is looking at operations and how it can continue doing what it does since the budget crisis is very significant for the marine section of the Department. Marija also noted that recreational fishing has been very restrictive for rockfish and groundfish this year and kept people off the water. She stated that bocaccio looks like it is rebuilding which will afford greater access to recreational anglers in southern California, so their activities are expected to increase next year. According to Marija fishing this year was restricted to four species in twenty fathoms and next year the Department is looking at access out to sixty fathoms, and this will be for ten months instead of six months.

Russell Galipeau announced that the Channel Islands National Park Draft General Management Plan will be released publicly later this fall, and indicated that he is interested in receiving comments from SAC members. He also announced that park staff are meeting with Fish and Game staff next week to discuss recreational fishing education programs.

Linda Krop announced that Governor Davis signed AB16 so starting on January 1st new oil development must be transported by pipeline. She mentioned that the Environmental Defense Center won in a court of appeals regarding EPA permits, an effort to ensure that water quality is not negatively impacted by discharges. She also announced that October 3rd is the EDC's final TGIF gathering from 5:30 to 7:30 pm. Linda concluded by stating that October 8th is the annual Ventura Environmental Hero Award event. Contact Linda for more information on any of these topics.

Marine Reserves Update

Report on enforcement, monitoring and education for state MPAs – John Ugoretz

John Ugoretz with the California Department of Fish and Game provided a detailed status report presentation on the state marine protected areas (MPAs) in place within the CINMS. John's presentation covered the status of biological and socioeconomic MPA monitoring programs, including early results from select operational programs, and noted progress made with outreach efforts.

John reviewed the biological monitoring goals, guiding questions, and the special framework for conducting various monitoring activities (e.g., shallow subtidal, deep subtidal, intertidal). John also highlighted collaborative efforts in biological monitoring of MPAs made to date, mentioning partnerships and contributions such as UCSB Bren school student projects, various Sanctuary programs, Channel Islands National Park programs, PISCO, and others. John also commented on a variety of potential new monitoring projects involving participation by representatives from commercial and charter party boat fishing industries.

Concerning outreach efforts, John noted that the new MPAs have been added to C-Map and Furuno electronic charts. He also mentioned that Channel Islands Naturalist Corps volunteers had created an "adopt a business" program to assure that local maritime businesses are stocked with current information about the MPAs. John reported that visitor's center signage is also being developed.

Regarding socioeconomic monitoring, John mentioned the recent report produced by NOAA Economists that summarized results from the MPA monitoring workshop held earlier this year. John noted that the report recommended formation of a constituent review panel and called for the hiring of a socioeconomic coordinator. John reviewed the last year of commercial landings data for white seabass, crab, market squid and red sea urchin (as examples of fisheries without many recently changed regulations in addition to the MPAs, and that have been active since MPA designation). His main point was that these fisheries have not collapsed, but in fact have exhibited normal fluctuation. John emphasized that it is too early to see what effects the MPAs will have on commercial fisheries. John summarized work underway to understand the socioeconomic impact of MPAs by using results from the California Recreational Fisheries Survey, the Sanctuary's aerial monitoring program, and a Bren School team studying non-consumptive uses and values.

[For more details about John's presentation please refer to the handout of presentation slides provided at the meeting and in the absentee packet, or contact John Ugoretz at jugoretz@dfg.ca.gov]. Following John's presentation SAC members commented on and asked questions about the state marine protected areas.

Bob Warner stated that he would not expect data to indicate immediate biological impacts, but would expect to see displacement data. He asked how much more intensity is occurring outside of the reserves. John responded that the Sanctuary Aerial Monitoring and Spatial Analysis Program, or SAMSAP, has been going on for several years and provides a baseline that enables us to start looking at that data. However, John noted that due to the seasonality of fisheries we will have to wait for that data though some fisheries have been active since the MPAs were implemented.

Jack Peveler asked whether there is any plan to monitor other businesses that could be affected. John indicated that pure economic studies don't exist. He added that the new non-consumptive value study looks at a range of businesses.

Eric Kett indicated several concerns regarding data from commercial [passenger fishing vessel] logbooks: they require information on the number of anglers per trip many but many captains right down the number of passengers which skews the value; and they only allow for recording one fishing block per day of fishing. Eric stated that it is important to make sure logbooks are filled out correctly. John responded that there are many issues to consider with any logbook or landings data. He noted that while there are limits to the utility of logbooks the help with generalities including the level of catch. He also stated that the recreational fishing survey provides details about location data. Eric also stated that with landings data it is important to show statistics on how many fishermen fished in 2002 versus 2003. John responded that his presentation provided landings data from examples of fisheries that haven't been subject to many regulatory changes in addition to marine reserves.

To Bob Warner's question of whether this could be translated into catch per unit effort John answered that the data is there but needs to be teased out.

Eric Kett referenced John's slide of a photograph of sportfishing vessels concentrated on a yellowtail and seabass run and asked whether this could be interpreted as edge effect. John responded that one could confuse edge effect with variability of location of fish, which is why we need to look at long-term data.

Jackie Campbell acknowledged that John chose four examples of fisheries that are not affected by other regulations, and she asked if those fisheries are active. John answered that those fisheries had been active and had not seen much change.

Craig Taylor asked at what point John expected to have sufficient data to conduct a biological analysis. John indicated that this depends upon many factors including the given species of interest. For example, since rockfish are long-lived and slowing growing you would not expect a quick change. However, John stated that reserves around the world have shown changes in three to four years.

Craig Taylor also asked how data would be communicated and to whom it would be targeted once it is available and analyzed. John indicated that scientists publish in scientific journals which may take five to ten years, a time frame that is not sufficiently rapid to meet outreach needs. He added that Fish and Game is setting up a database of summarized data (not scientists' intellectual property) so that they can generate annual reports and make this information available to the public through the Fish and Game Commission, and the Department of Fish and Game's web site.

Craig Taylor noted that there has been confusion about the marine reserves, for example, whether or not you can anchor within them. It has been his experience while walking through the harbor that such information is not readily available to the public. As a member of the Education Team he is waiting to see this and concerned that monitoring data be communicated to the public as it is available. John noted that Fish and

Game has contacted individuals and the media who have misrepresented information and achieved more accuracy in their reporting.

In response to Matt Cahn's inquiry regarding how the socioeconomic assessment will be done John stated that this needs to be figured out. John reiterated that no data exists currently and because of the budget it is going to be difficult. Sean Hastings added that the monitoring workshop report functions as a request for proposal that will enable us to look to others to help implement monitoring and assessment. John added that if we can get a Socioeconomic Coordinator in place this will help a lot. Matt added that sociologists and anthropologists look at information very differently than economists.

Harry Liquornik asked whether there is any fisheries independent data, adding that landings data is the worst data you can use due to numerous sources of variability. John responded that landings data is not biological data, which is why he referenced PISCO and other studies that will provide such data. John also advocated that one should not expect to see biological effects for a long time. Harry expressed concern that when people see catch and effort data they equate it to biological data.

Harry Liquornik also expressed concern that data from a 2002 National Marine Sanctuary Program recreational fishing study might be compared with data from our region. Sean Hastings responded that that study is looking at private boaters, while the only study looking at charters is the non-consumptive use value study.

Harry also suggested that the Sanctuary note frequent inaccuracies in the overlays on the charts. John responded that electronic charts are one source of information and a good tool for people who don't know about cross-track error or other issues. John indicated that deciding whether infractions are accidental or intentional is at the discretion of the wardens.

Eric Kett requested a summary of PISCO results since this study has been ongoing for three to five years and is frequently mentioned. John noted that he had shown this data at Fish and Game Commission hearings and that he would be glad to provide some data slides at lunch.

Rebecca Roth asked for John's opinion on how long the Socioeconomic Coordinator contract position would need to be in place. John answered that he believes it is a permanent need, as stated in the NOAA document. He added that constituents don't want it to be an agency staff person. Harry Liquornik clarified that the information sought is proprietary so constituents want an outside person who can present the data in summarized form, keeping fishermen's proprietary information private. John also added that the community is very interested in knowledge, attitudes, and perceptions; information we don't have now. Chris Mobley attested to the presence of misperceptions, and stated that addressing attitudes and perceptions is definitely on the Sanctuary's radar screen. He noted that commercial and avid recreational fishermen know what is going on. He also noted that rules tell you where you *can't* fish while people are interested in learning where you *can* fish. Chris acknowledged that we need to get the word out about what you *can* fish for, where, and when.

Matt Cahn suggested continuing the marine reserves discussion after lunch as the meeting was behind schedule.

Public Comment

Matt Cahn noted that according to the agenda it was time for a public comment period so he invited members of the public to comment on anything they would like to address the Advisory Council with. No members of the public wished to speak.

Marine Reserves Update, continued

Status report on the Sanctuary's marine reserves environmental review process – Sean Hastings

On the non-consumptive charter boat survey Sean Hastings explained that the Bren School students kicked off their meeting with charter boat captains this week, and that they just began their survey. They spoke with Islands Packers and Sea Landing, which represents the Truth Boats and the Condor, and the Sailing Center out of Santa Barbara Harbor. They were hoping to meet with more of the charter captains, they do have some individual, private interviews set up with them. They have experienced some difficulty in getting cooperation from the charter industry to engage in this survey. Whatever you may do as an advisory council, as agency representatives, to encourage the charter boat industry to be active and engage in the monitoring helps us all better understand the effects of marine protected areas. Island Packers and Sea Landing take the majority of users out and they were extremely helpful. Sean offered that he has the questionnaire if anyone is interested in the details of what kind of information they are trying to get in the study. In October students will be at the docks between Port Hueneme and Santa Barbara to interview passengers, the second component of the study, to determine what they know about marine protected areas, what they spend to get to the sanctuary and MPAs. They will use those economic figures to determine the value of the marine protected areas at this point in time, year one. Sean said that the sanctuary plans to continue the study.

Rebecca Roth asked what would happen if the passengers did not know that the marine reserves exist. Sean replied that this is a part of the questionnaire, to determine to what level they know that they are going to an MPA or not. This helps them determine what the level of awareness is, and that will be compared to whether the charter boat captains are taking passengers to these spots, or not. They then determine some value for the trip overall, looking at what passengers paid for in terms of: travel cost, hotel, and food. Sean explained that this is looking at a little broader economic impact, not just the cost of the trip.

Rebecca Roth then asked if the data would be thrown out if the passengers didn't know they were in a marine reserve. Sean replied that it would not be, but this would actually be an indicator to us of outreach needs. Sean concluded that they are looking for cooperation from the charter industry and trying to help the industry understand that we want to understand potential negative and positive effects of this new management. Sean welcomed input and connections from the SAC.

Sean next provided a brief summary of public scoping comments for the federal marine reserves environmental review process, along with a timeline for that process. Sean explained that scoping comments were collected through public scoping meetings, along with roughly 60 written comments the sanctuary received, and the very detailed letter the sanctuary received from the Advisory Council. Sean mentioned that the sanctuary hosted meetings not only with the Advisory Council and its working groups, but also with the Pacific Fishery Management Council, and the general public from June through July. He noted that the sanctuary heard from the range of constituents they were expecting to hear from, and received a broad range of comments. He explained that the sanctuary will now develop a draft range of alternatives that is responsive to the scoping comments. He welcomed SAC members to review the public scoping comments which are available at the sanctuary office.

Eric Kett asked about the total number of charter operators. Sean replied that the Bren School students have a database of 70 individual charter boats between LA and Santa Barbara that access the sanctuary at some point in time. He added that many, especially in LA, only go once or twice a year. He also noted that some operations have a series of boats. All of these operators received written information and follow-up phone calls about this survey. He indicated that there was poor response from those people we don't know that well. Sean expressed thankfulness that Island Packers and Sea Landing responded since they take a majority of passengers out for non-consumptive activities. However, he noted that to make the study as robust as possible we need involvement from as many charter operators as we can get. In October when students hit the docks they are going to be setting up tables and surveying passengers when they come off a trip. We want

to make sure the charter operators understand what they are doing, and not doing, and that it doesn't interfere with their business. Sea Landing and Island Packers gave great suggestions on how best to survey passengers, and their captains are willing to encourage passengers to fill out the survey, but we need to expand that to other operators in the region.

Eric Kett suggested that maybe Craig and the SET could come up with some way to work better with the businesses and determine why there is such a low level of responsiveness: is it animosity towards the organizations involved in the reserves, or there may be something else. Sean replied that there definitely seems to be the former, animosity about being involved in anything related to MPAs. Sean explained that some of the operators don't want to come to the table and share information. He said that he welcomes information and this is an opportunity to get constituents to the table.

The next step is to send formal consultation letters to agency partners on developing regulations. Sean stated that the Sanctuary will work with the SAC and Pacific Fishery Management Council, or PFMC, over the next few months during document development. Sean plans to present alternatives at the SAC and PFMC meetings in November. He clarified that he would not be presenting the draft environmental impact statement at that point but rather that he would share where we are going in order to get early feedback. While it is unlikely that the draft environmental document will be out this year, it will likely be ready by the March 2004 PFMC meeting.

Rebecca Roth asked whether what the SAC would see in November would have gone through NOAA review. Sean indicated that everything the Sanctuary distributes publicly has to be cleared. He noted that while the Sanctuary prefers to get public comment early and often, this does not always mesh with the typical process. Sean conceded that in absence of clearance Sanctuary staff will share as much as is feasible.

Bob Warner indicated that the other process in terms of fishing regulations is not clear. He asked whether those regulations would be subject to different PFMC/National Marine Sanctuary Program negotiations if they are separate from the DEIS. Sean replied that this is all wrapped up together and that the Sanctuary will put PFMC on notice that they will need draft regulatory language by March. In response to Bob's follow-up question of who would implement these regulations Sean stated that PFMC members would draft the regulations to meet the objectives of both PFMC and the Sanctuary. Marija Vojkovich added that Bill Hogarth was at the PFMC meeting last week. At that meeting the PFMC asked for joint dialogue between the head of the National Marine Fisheries Service [NMFS] and National Marine Sanctuary Program at the next meeting regarding who will do what. She concluded that this may be an opportunity to get more clarification on issues.

Sean indicated that this is something the fishery management councils and sanctuaries (including Florida Keys and Grays Reef) on the east coast have gone through, so we are not breaking new ground. Greg Helms asked whether there was a no-take area in Florida, or if the Council established no fishing regulations. Sean responded that there were two councils involved in Florida: the Gulf and Southeast Atlantic fishery management councils. The Sanctuary proposed regulatory language which the Southeast council approved. Those regulations were promulgated under the National Marine Sanctuaries Act. The Gulf Council chose to mirror those regulations and added NMFS regulations as well. Sean stated that how this proceed here needs to be resolved.

Rebecca Roth asked about NMFS' role in providing recommendations to the councils. She wanted to know whether one has more weight, or if NMFS and the National Marine Sanctuary Program provide a joint recommendation. Sean stated that the council advises NMFS on regulations as the SAC advises the Sanctuary, noting that NOAA is striving for one voice. Sean added that the Sanctuary has forwarded SAC advice to the PFMC and that PFMC members also provided scoping comments. Sean stated that while NMFS has not commented the Sanctuary is in constant dialogue with them.

Water Quality Protection Planning and Opportunities

Overview of CINMS water quality efforts – Chris Mobley

Chris acknowledged that the sanctuary has level funding and is not as bad off as the state, but doesn't have an FTE or the funds to hire a dedicated staff person for water quality. The last Alolkoy was dedicated to water quality, and the sanctuary is talking to the State Water Resources Control Board and the Regional Water Quality Control Boards, as well as working on education and outreach. Chris also pointed out that he would attend the Regional Board meeting in October and that Sarah MacWilliams had attended a Critical Coastal Areas (or CCAs) meeting. Chris explained that he would speak to this issue more following a presentation on CCAs by Tracy Duffey of the California Coastal Commission.

Presentation: Critical Coastal Areas Program – Tracy Duffey

Tracy Duffy introduced herself stating that she works for the California Coastal Commission, Water Quality Unit. Tracy provided a PowerPoint presentation explaining the CCA program. She stated that the CCA program seeks to foster collaboration among local stakeholders and agencies to better coordinate resources and focus efforts on coastal-zone watershed areas in critical need of protection from polluted runoff. Tracy also explained that while the state already has identified 101 CCAs, efforts are now being focused on expanding the program and identifying four pilot project sites. Tracy explained that CCAs exist at the Channel Islands and along various sections of the adjacent mainland coast. Tracy explained the CCA pilot project selection criteria, announced that public workshops would be held in the Spring of 2004, and explained that pilot site selection would follow. Tracy commented that the CCA program could potentially be a good fit for CINMS and the SAC, and noted specifically how CCA activities could help the Council achieve some of their water quality planning goals. She offered suggestions as to areas of overlap and mutual goals between the CCA pilot program and the idea behind a SAC Water Quality Working Group. (Tracy provided handouts of her presentation slides at the meeting. These were also included in the meeting absentee packets.) Following Tracy's presentation several SAC members asked questions.

Bob Warner asked whether the CCA program included monitoring fresh and ocean water. Tracy responded that the program will not be limited to a freshwater focus but will look at areas where impaired water bodies flow into marine protected areas. Tracy added that they are trying to look at sources and impacts, such as those from different types of land use. Bob also noted that if there were a Water Quality Working Group part of its focus would be on looking at whether there are impacts. Tracy explained that this would be part of an action plan.

Roberta Cordero asked whether the CCA program had any contact with the Coast Keepers. Tracy responded that they are involved and had attended CCA workshops.

Marija Vojkovich asked whether the CCC is overseeing the program. Tracy answered that they are doing so in partnership with the State Water Resources Control Board, though the CCC has the lead due to their coastal focus.

Rebecca Roth added that this program came to the CCC by way of the Federal Coastal Zone Management Act. According to Rebecca states have to work to identify areas as CCAs and the CCC is trying to engage over 28 state agencies with a role in water quality. Rebecca pointed out that California is the only state looking at actually identifying CCAs.

Chris Mobley indicated that it is important that the sanctuary and park figure out how they might fit in to the CCA program, especially in the near term. Clean boating is obvious, but a better assessment of water quality and its impact on resources is needed. For example, we need to know whether there are marine mammal PCB samples, and whether anyone is monitoring for fish tumors. We need to know what research is needed. Chris suggested that a project proposal could be developed that focuses on collection of data and baseline assessment of water quality programs, protections and threats. The proposal, Chris said, can be pitched to

multidisciplinary ocean programs such as Cal State Channel Islands, and the UCSB Bren School and might be something like a graduate school thesis project. Chris added that this might augment a local area Critical Coastal Area pilot project, or help serve the needs of a SAC Water Quality Working Group. Chris noted that the sanctuary's current goal is to get the management plan out as soon as possible. As soon as we do that we have freed staff resources to pull to work on projects like this and marine reserves. Chris concluded his statement by summing up that we need to get a proposal, work with students and get a SAC Water Quality Working Group together. SAC representatives and members of the general public then asked questions.

Rebecca Roth said that this is a good opportunity for the sanctuary to consider being a pilot project, an opportunity to seek grant money since there is much grant money for water quality. She added that the benefit of pooling resources is an increased chance of getting funding. Rebecca also stated that this would not be a substitute for other sanctuary programs and she encourage the sanctuary to participate.

Rob Almy, who spoke as a member of the public, identified himself as the Director of the County Clean Water Program, Manager of the County Water Agency. Mr. Almy indicated that UCSB has world-class research capability and is in the middle of at \$6 million, six-year research project known as LTER (Long Term Ecological Research), which may be renewed for another six years. He surmised that they may have already done an assessment of available information and data, and they are also looking at pollution onshore and offshore.

Bob Warner pointed out that he is a Principal Investigator on the LTER project and acknowledged that much groundwork had been done, though it is not known if runoff has a positive or negative affect on coastal ecosystems. Bob added that the focus of LTER is nutrients, while a focus on pollutants is lacking and there is not much work on nonpoint source pollution.

Rob Almy stated that the ability of a large team and the synergy possible is great.

Bob Warner stated that both the islands and mainland would have to be considered using pilot project criteria, though he did not know if there is a potential for measurable improvement at the islands. Rebecca Roth added that a criterion could be that water quality is not impaired. Greg Helms clarified this idea stating that there are two categories in the program: impaired water bodies, and pristine water bodies, noting that the assumption is the Channel Islands fall within the second category.

Greg Helms noted that Goleta Slough and Carpinteria Slough are also on the list. He then inquired whether Channel Islands opting in to be a CCA pilot project would crowd our area or take away from the chance of other water bodies in Santa Barbara and Ventura counties becoming pilot projects. Tracy Duffy responded that the program is already looking at combining the Channel Islands into one CCA. She suggested a regional focus as a possibility with a pilot project looking at: 1) protecting pristine island waters, and 2) looking at water along the coast. She added that this would not be stealing thunder from other possibilities, and noted that there had not been as much interest in Goleta Slough.

Greg Helms then asked whether we have a start in terms of assessment to send us in the right direction, and what the SAC's role would be. He stated that he thought this presentation provided a way to move in this direction.

Russell Galipeau acknowledged that the park is under a cease and desist order, but this has been cleaned up. He also stated that labeling a zone from the shore to the islands could provide a benefit from people thinking of it as a zone or a special area. Also, if it were a zone there would be a body we could take concerns to.

Craig Taylor stated that we could take data from the numerous water quality NPOs and UCSB, find commonalities and begin to address issues. He added that this is a great opportunity.

Eric Kett indicated that the number one problem is that there are so many different projects. He indicated that the first step should be to talk to people who have already conducted six years of research at LTER to see what they say. Mike Murray indicated that in 1999 the SAC was provided with an LTER presentation.

Working Group and Ad-Hoc Group Reports

Ad-Hoc Enforcement Group – Robert Duncan

Robert stated that this group continues to meet, and the following Tuesday will meet to finalize the sanctuary brochure “Protecting the Channel Islands” (which he passed around in draft form). He stated that he would get the brochure to a committee on Tuesday and hopes to have the final in November. Chris Mobley thanked Robert for his committee’s work, offering that the sanctuary couldn’t have produced the brochure without them.

To Jack Peveler’s question of whether or not the brochure would contain regulations Robert responded that it would not get into California Department of Fish and Game regulations, but that it would offer web sites and some information. Robert also acknowledged that it identifies no take zones, anchorages, dive spots and other information to make it more interesting to boaters. Robert also clarified that while they would love to see landmarks for various locations that is unlikely so the brochure provides lat./long. Information.

Sean Hastings stated that this is the primary outreach piece for MPAs and replaces the old sanctuary regulations brochure. Sean noted that it contains both sanctuary and park regulations, and explains where to find Fish and Game regulations. John Ugoretz added that it also replaces the old marine reserves brochure that was designed as an interim product.

Chris Mobley announced that the Channel Islands Naturalist Corps has started a new adopt-a-business program in which volunteers adopt various businesses, keep them supplied with brochures, ensure that they are well-informed, and provide opportunities for them to offer feedback.

Sanctuary Education Team – Craig Taylor

Craig explained that the SET had attempted to have a meeting this summer and that he, Barry Hummel, Julie Bursek and Barbara LaCorte have been thinking about next steps for the SET. He stated that they would be meeting in a week to discuss how to involve new education members and bring new energy to the SET. Craig noted that once marine reserves were designated the level of interest tapered off.

Julie Bursek highlighted completed SET project from the very helpful marine reserves matrix to signage, presentations and brochures. Julie summarized past work on marine reserves education including: the PISCO Science of Marine Reserves booklet, the boater brochure, the Ad-Hoc Enforcement Group’s new brochure, the Channel Islands Naturalist Corps adopt-a-business program covering businesses from Santa Barbara to Oxnard, and adult education courses that highlight marine reserves (one course in Santa Barbara and one in Ventura annually). Julie noted that a summary of SET work was provided in the meeting packet.

Business Working Group – Michael Hanrahan and Darren Caesar

Mike Murray explained that Michael and Darren were not able to attend the SAC meeting and he provided an update on their behalf. The group has not met for the past two months in part due to low turnout at the last meeting. The group needs to regroup and decide how to get the right mix of businesses together to be a unified voice. Mike encouraged SAC members to share thoughts and offer help. The group will have a steering committee meeting soon.

Conservation Working Group – Linda Krop

Linda reminded the SAC that as noted on the agenda this update may include an action item. Linda stated that the SAC received a report in the meeting packet from the last CWG meeting, and that last week she had emailed draft recommendations for the sanctuary to deal with acoustics and large vessel traffic impacts. Since then she has emailed a revised version. She indicated that the CWG hoped to have their

recommendations, developed by a subcommittee with input from staff, submitted to the Sanctuary Manager. In March Peter Howorth gave a presentation to the CWG, a written report from which was submitted to the SAC that discussed major problems and ways to address impacts. Linda pointed out the research and permitting recommendations, acknowledging that other agencies may have concurrent jurisdiction. She noted that these suggestions would apply if the sanctuary issues permits, or works with other agencies that do so. Because of a need for much more information on impacts the CWG put much effort into the research recommendations, which need to be implemented with NMFS, the Marine Mammal Commission and other agencies. Following Linda's overview of the acoustic impacts recommendations, which included a statement on acoustic sources and threats, a series of research and monitoring recommendations, and recommendations for agencies involved in the permitting of projects that might cause harmful sound levels within the Sanctuary (recommendations included in the meeting packet), several SAC members initiated a dialogue regarding the recommendations.

Bob Warner asked whether the sanctuary presently has to issue permits for acoustic activity. Chris Mobley responded that it may have to for research when NMFS issues permits. Sean added that prior to the sanctuary issuing a permit, it needs to know whether the permittee has other applicable permits, and that there is a requirement for NMFS/National Marine Sanctuary Program high-level consultation on permits.

Drew Mayerson asked whether the recommendations were intended to address noise from large vessels. Linda responded that noise from shipping, geophysical activity, seismic and sonar activities are included. She added that there is a need to develop baseline data on what noise levels are and determine ways to alleviate impacts. Greg Helms noted that acoustics and vessel traffic are interrelated.

Eric Kett noted that acoustic activities can cause take of endangered species and marine mammals, including take from acoustic impacts that result from research. Chris Mobley clarified that the threshold for research permits is that the take or harassment caused by research must yield net benefits by providing information useful for managing the affected species. Craig Taylor added that research organizations often have scientific standards and review committees that consider potential impacts to the species under study. Greg Helms indicated that the CWG recommendations target things that make noise, not research that "listens."

Robert Duncan inquired as to what type of impacts DoD activities, such as Navy sonar yield. Linda indicated that the CWG is requesting that they not negatively impact resources. She asked whether there is already a mechanism that would require DoD to get a permit. Mike Murray replied that existing DoD activities are grandfathered or exempted, noting that this framework is likely to remain in place. Mike indicated that the sanctuary does not currently have any regulations restricting noise, adding that DoD will be asked under the existing framework to minimize impacts.

Rebecca Roth indicated her support for the recommendations and stated that when data is not conclusive or there is a potential for impacts the precautionary principle should be employed.

Drew Mayerson raised the point that everything makes noise, and most everything going into the sanctuary harasses animals. Linda clarified that the first paragraph on the recommendations report identified the types of activities of concern. Jack Peveler indicated that some activities are louder than others and he would feel better supporting the recommendations if more details were included, adding that this could be viewed as a first attempt at restricting boating activity. John Ugoretz raised similar concerns indicating that the recommendations make a lot of sense depending on how they are defined, hence to support this type of recommendation from the SAC he would want to see much more specific details on what is meant by "acoustic activity." He added that this is teetering on the edge of regulatory language and far too broad.

Russell Galipeau questioned what burden would be placed on the manager or what test would the SAC be holding him to with these recommendations, adding that he probably already goes through these for permits.

Bob Warner suggested rephrasing some of the recommendations using "regulate" instead of "prohibit."

Greg Helms indicated that the targeted activities are those that it is assumed require a permit. Jack Peveler then questioned why the SAC should get involved if they are already permitted by other agencies. Walt Schobel stated that these recommendations could be for permitting agencies. Linda Krop interjected that these recommendations would only kick in if a permit was required and if it is determined that there is an impact.

Chris Mobley stated that the document needs to stand alone and as is there is a bit of ambiguity, for example, "may affect" in theory may require looking at everything. Additionally, "cannot be fully avoided or mitigated" resembles a zero tolerance policy though there may be a level of acoustic impact that is not zero but is low. Chris added that even though the CWG know its intent it could add a preamble to clarify.

Jack Peveler asked what it takes to change the requirements for permitting activities in the sanctuary, adding that he would want to know about the likelihood of permits being necessary in the future for certain activities. Chris Mobley responded that in theory any activity that could result in take or harassment would require a permit, but there are enough large impacts that no one is dealing with minor disturbances.

Matt Cahn asked Linda how she would like to move forward. Linda responded that some clarifications may be necessary. Rebecca Roth noted that it could be clarified that the recommendations do not apply to recreational types of uses since they are not trying to get at those types of uses. Walt Schobel suggested that wording could also be changed to "work with" noting that the tone is much different between recommendations for vessel traffic and those for acoustic impacts.

John Ugoretz stated that part of the problem is from the introductory paragraph noting that the idea is about acoustic impacts, yet when you throw in jet skis, which are no louder than motor boats, it sets an alarm off.

Drew Mayerson commented that there is a lack of data and he would hate to see the research recommendations thrown out. He suggested going forward with the research recommendations and rewriting the permitting recommendations for later.

Greg noted that to organize the process of going forward the CWG needs to decide whether it wants SAC approval, a redraft, or to go straight to the Sanctuary Manager. Greg asked whether the SAC representatives feels that the national marine sanctuary merits extra protection for the creatures within it because it is a sanctuary. He continued asking whether in the context of uncertainty SAC representatives believe the sanctuary merits treatment using the precautionary principle. Chris Mobley stated that often in conversations with NMFS on research permits we say it is a special place and consider research conduct outside where the same animals are. However, Chris noted, that NMFS is not always receptive and if a species can handle it they don't care if it's in or out of the sanctuary.

Jackie Campbell pointed out that as a regulatory she would view the regulations together as a set. She noted that Linda made a motion to ask the SAC to endorse the recommendations and to prohibit activities that cannot be mitigated though if there is an ultimate benefit they can still be allowed.

Linda stated that she appreciated all of the comments and acknowledged that the CWG intention is similar to what Chris said, recognizing that the sanctuary is a special place. She added that if the SAC is not comfortable with that concept they would submit the recommendations to the sanctuary directly though she is willing to go further with tweaking. John Ugoretz indicated concern about the idea of the working group taking recommendations ahead to the sanctuary. Matt Cahn indicated that the working group can submit a report to the manager and can ask for the SAC's endorsement or not. Mike Murray added that the sanctuary listens to everything noting that even if the SAC were to drop this issue the sanctuary would still have heard the discussion and would let the SAC know if it moved ahead with any of the ideas raised.

Linda Krop made a motion to take a straw vote on whether the SAC endorses the concept that because the area is a national marine sanctuary the resources are deserving of more general protection from these kinds of impacts. Drew Mayerson pointed out that this in the sanctuary charter, that sanctuaries are special places deserving special treatment. Chris Mobley stated that this could be interpreted two ways: that sanctuaries deserve additional laws, or that other agencies' regulations, laws, and permits should be looked at through a different lens when applied within a sanctuary.

Russell Galipeau stated that if these recommendations deal with other agencies the SAC doesn't have any authority to tell other agencies how to run their permitting processes. He also asked whether Chris can deny a permit for another agency. Mike Murray responded that he can if it violates a sanctuary regulation.

Rebecca Roth indicated that she supported the motion and stated that what we are trying to do is establish another level of protection. If other permits and regulations change we're still looking at the sanctuary as a special place.

Matt Cahn requested a non-binding straw poll and asked Linda to clarify what she was seeking. Linda responded that if the SAC doesn't want to support the recommendations she would leave them as is, as a report from the CWG, but if the SAC does support them she offered to bring them back in November. A non-binding straw poll on whether CINMS is worthy of additional care and protection with regard to the regulation and permitting of noise-inducing projects that could harm Sanctuary resources was taken which provided a 13 (yes) and 3 (no) result.

Greg Helms then read over the large vessel traffic recommendations (included in the meeting packet) explaining that they are a framework to consider, assess, and respond to potential threats from use of the sanctuary and nearby waters by large vessels.

Rebecca Roth stated that she thought they are really good, and after having read the letter from Dan Basta (included in the meeting packet) they related to national issues. She added that if the SAC does consider these recommendations she would like to see a recommendation dealing with invasive species, and suggested it would be appropriate for the SAC to recommend the sanctuary work closely with research centers with respect to invasive and exotic species. Chris Mobley reiterated that the letter points out a number of priority issues, but he concluded that invasive species are more of an issue at other sanctuaries so maybe they should take the lead. In response to a question from Sean Hastings Rebecca clarified that she meant to address the entire gamut of invasive species issues, not just large vessel ballast water exchange. Greg Helms indicated that ballast water and invasive species were among the issues under consideration but since it is difficult to show impacts from these the CWG decided not to make a recommendation on them. He noted that they could be added to the list of things to be explored.

Jack Peveler stated that his only concern is about the recommendation to move the shipping lanes outside, and the loss of income to Ventura County that may result. If vessels are forced to go outside there could be a large cost. He asked whether the CWG had talked to the shipping industry or ports. Greg answered that they had not but that the general sense was that the costs would be absorbed by everyone. Chris Mobley suggested clarifying in the last recommendation that exploration would include an analysis of both costs and benefits. John Luzader expressed additional concern on this recommendation stating that sending vessels outside might pose higher risk with less familiarity and aids to navigation. Regarding ballast water John indicated that the industry is typically volunteering to exchange ballast water at sea and since vessels don't go into ports within the sanctuary the threat is relatively mild. Eric Kett indicated that this could also put vessels in areas that are sometimes subject to live fire.

Craig Taylor indicated that he liked the idea of a scientific advisory team and that there ought to be a way for the sanctuary to ply into the data collected on vessel traffic and impacts. He also agreed that the sanctuary should get involved and acknowledged that there would need to be some research into impacts of the recommendations concerning costs and danger.

Rebecca Roth suggested that the sanctuary should work with research efforts and other resource agencies to explore potential impacts with respect to invasive and exotic species.

Walt Schobel stated that capturing the Navy's sea test range should be included.

Several SAC members suggested potential language changes to the recommendations to make them more widely accepted by the SAC. Linda kept notes on the suggested changes and offered to present revised recommendations to the SAC at a later date.

Jack Peveler suggested leaving this as open business. Linda thanked the group for the discussion.

Selection Criteria for New SAC Seats

Matt Cahn indicated that Mike Murray would like all SAC representatives to review the selection criteria over the next week and email comments to him.

Roberta Cordero stated that a critical step needs to be taken before we announce the Chumash seat. She indicated that the first bullet indicates that a non-Chumash liaison could hold the seat. She added that work needs to be done by the Chumash community defining criteria for who is Chumash and who is not. She requested that the SAC and Manager allow her time to set up a process for going into the Chumash community to flush this out. Mike acknowledged that we want to do this correctly.

Special Recognition

Chris Mobley acknowledged Roberta Cordero for serving a full three years on the SAC. He stated that the sanctuary recently held a volunteer banquet for the Channel Islands Naturalist Corps, and mentioned that at the National Marine Sanctuary Program Leadership Team meeting it was pointed out that other sanctuaries that don't have volunteer groups actually do – they have SACs. Chris stated that the sanctuary couldn't do what it does without the SAC. Mike Murray presented Roberta with a framed poster of William Dewey's aerial photograph of the four northern Channel Islands, complete with a brass plaque commemorating the sanctuary's appreciation for Roberta's service on the SAC. Roberta stated that her experiences had been really great and offered her thanks. [A framed poster and plaque have also been prepared for Jon Clark who was not present at the meeting and has also completed his term as a SAC representative.]

Chris next recognized sanctuary intern Jacklyn Kelly acknowledging that she has helped in many ways including in preparing the food for today's meeting.

Future SAC Meeting Schedule and Agenda Topics

SAC Retreat (October 28-30)

Next SAC meeting: Friday, November 14, 2003

Meeting Schedule for 2004

Mike Murray indicated that in the meeting packet there is a one-pager that presents a preliminary look at what the sanctuary has in mind for the upcoming SAC retreat. Mike read over the retreat goals (listed on the one-pager). He stated that he is seeking suggestions for discussion topics, for example a topic last year was ways to improve the SAC, or team building exercises and group activities.

Eric Kett suggested making sure that either the member or alternate for each seat attends the SAC retreat, and pointed out that there is not always time for SAC members to talk to one another during meetings.

Chris Mobley announced that the Santa Barbara Harbor Commission voted last night for the construction of a slip for the *R/V Shearwater*.

Rebecca Roth suggested developing the 2004 meeting schedule at the next meeting.

John Ugoretz stated that there was a successful *Undaria sp.* removal in the Santa Barbara Harbor. According to John the next step is to focus on Port Hueneme, and Channel Islands Harbor. He said that there is a good handle on Santa Barbara and the removal will probably be conducted monthly.

The meeting adjourned at approximately 4:45 PM.

Meeting notes respectfully submitted by:

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